

KCC 4779 (K-C 17,026)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Anderson et al.
Serial No. 10/039,236
Filed December 31, 2001
Confirmation No.: 7312
For METHOD FOR REDUCING UNDESIRABLE ODORS GENERATED BY PAPER
HAND TOWELS
Examiner Mark Halpern

Art Unit 1731

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November 6, 2003

**PETITION REQUESTING WITHDRAWAL OF THE HOLDING OF
ABANDONMENT OF A PATENT APPLICATION UNDER 37 C.F.R. § 1.181(a)**

TO THE COMMISSIONER FOR PATENTS AND TRADEMARKS,

SIR:

Applicants petition to request withdrawal of the holding of abandonment in the above-referenced patent application. A Notice of Abandonment dated November 3, 2003 was sent to inform Applicants that the application has been abandoned for failure to timely file a proper response to the Office Action dated March 17, 2003, and that the proposed response to that communication, which was filed on June 16, 2003, was never received.

As demonstrated in the following paragraphs and in view of the enclosures, Applicants timely submitted an Amendment A via facsimile on June 16, 2003, and then resubmitted the Amendment A via facsimile on July 30, 2003. Accordingly, the Notice of Abandonment was issued in error and the holding of abandonment must be withdrawn and examination resumed.

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A. STATEMENT OF FACTS AND REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

The following facts are based on a reasonable and diligent investigation of the circumstances leading to the issuance of the Notice of Abandonment.

1. On March 17, 2003, The Office mailed and the Applicants received a Non-final Office Action setting a shortened statutory period of three months for reply.
2. On June 16, 2003, Applicants submitted an Amendment A in response to the Office Action via facsimile.
3. On July 30, 2003, Applicants checked PAIR and noticed that the Amendment A had not been entered.
4. On July 30, 2003, Applicants resubmitted the Amendment A via facsimile.
5. On November 3, 2003, The Office mailed and the Applicants received a Notification of Abandonment for failure to timely file a proper reply to the Office Action mailed on March 17, 2003.
6. The present Petition Requesting Withdrawal of the Holding of Abandonment of a Patent Application Under 37 C.F.R. § 1.181 is being filed less than two months after learning of the Notice of Abandonment.
7. In view of the foregoing, Applicants respectfully submit that the Notice of Abandonment was issued in error, and that the application has never been abandoned.
8. Applicants believe a petition fee is not required. Nonetheless, the Office is directed to charge any required fee to Deposit Account No. 19-1345.

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B. Summary

In view of the foregoing, Applicants respectfully submit that the Office must withdraw the holding of abandonment reflected in the Notice of Abandonment. Applicants further request that the Office enter the Amendment A and that the Amendment A be accorded its actual filing date of June 16, 2003.

The Office is invited to contact the undersigned should any issues remain.

The Commissioner is hereby authorized to charge any deficiency or overpayment of the required fee to Deposit Account No. 19-1345.

Respectfully submitted,



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* Enclosures